

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

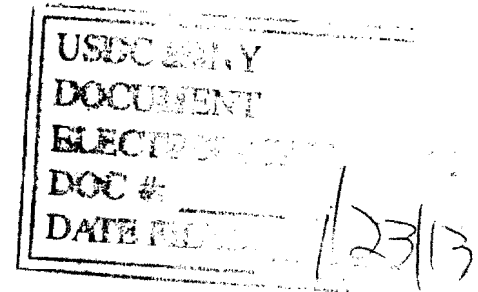
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CARL HALL,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.  
----- x



10 Civ. 58 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On October 23, 2012, the Honorable Henry Pitman, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned case recommending that the Court deny petitioner Carl Hall's motion to vacate, set aside, or correct his sentence in all respects. On the same date, Magistrate Judge Pitman also denied the petitioner's application for appointment of counsel. Objections to the Report and Recommendation were due on November 13, 2012. By letter postmarked November 8, 2012 the petitioner requested an extension of time to file his objections. The Court granted the extension on November 15, 2012, and specified that plaintiff's objections would be due forty-five days thereafter.

By letter dated December 21, 2012, plaintiff submitted objections to the Report and Recommendation, and by letter dated December 12, 2012, petitioner moved for relief from Magistrate Judge Pitman's order denying him appointment of counsel. Both of these letters will now be docketed.

The Court has reviewed the objections to the Report and Recommendation and has reviewed the underlying record de novo. Having

done so, the Court finds itself in complete agreement with Magistrate Judge Pitman's Report and Recommendation and hereby adopts its reasoning by reference. Accordingly, the Court dismisses the action, with prejudice. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005).

Finally, for substantially the reasons given in Magistrate Judge Pitman's October 23, 2012, order denying petitioner's request for appointment of counsel, the Court denies petitioner's "motion for relief from Judgment of October 23, 2012" dated December 12, 2012. Accordingly, the Clerk of the Court is directed to close document number 17 on the docket sheet of this case; to close the "motion to vacate under 28 U.S.C. 2255" shown as pending on the docket sheet of Case No. 00 Cr. 103 (JSR); and to enter judgment.

SO ORDERED.

  
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JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
January 1e 2013